

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**KEVIN D. DYSON,**

Petitioner,

v.

**UNITED STATES OF AMERICA,**

Respondent.

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Criminal Case No. RWT-06-131

**MEMORANDUM ORDER**

Kevin Dyson filed a Motion for “Relief From A Judgment Or Order,” Pursuant to Fed. R. Civ. P. – Rule 60(b)(6) on August 19, 2011. ECF No. 631. He filed a subsequent, identical motion on February 29, 2012. ECF No. 654. In his Motions, Dyson asks the Court to strike two paragraphs—paragraphs 12 and 13—from his Presentence Report (PSR). He alleges that because his PSR states that he discussed “the use of fire arms” and threatened someone with a fire arm, the Bureau of Prisons has placed him in a higher security facility. ECF No. 631, at 2-3. He argues that he did not object to these paragraphs because his counsel was ineffective. *Id.*

Rule 60(b)(6) permits relief only upon a showing of “extraordinary circumstances.” *Aikens v. Ingram*, 652 F.3d 496, 500 (4th Cir. 2011). In general, Rule 60(b) “does not provide relief from judgment in criminal cases.” *United States v. Cromwell*, No. CV RDB-15-1538, 2015 WL 8674962, at \*3 (D. Md. Dec. 11, 2015) (quoting *United States v. Fair*, 326 F.3d 1317, 1318 (11th Cir. 2003) (internal quotation marks omitted). Dyson’s appropriate vehicle for challenging his conviction and sentence was a motion under 28 U.S.C. § 2255, which he filed and which the

Court denied. *See* ECF No. 680. Notably, in denying the motion under § 2255, the Court found meritless Dyson's claims that his counsel was ineffective. As Dyson relies on the same claims of ineffectiveness to justify why he did not object to the PSR before his sentencing, his argument fails, even if a Rule 60 motion were the proper means to challenge the PSR.

Accordingly, it is, this 29th day of February, 2016, by the United States District Court for the District of Maryland, hereby

**ORDERED**, that Petitioner's Motions for Reconsideration [ECF Nos. 631 and 654] are **DENIED**; and it is further

**ORDERED**, that the Clerk **SHALL MAIL** a copy of this Order to Petitioner.

/s/

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ROGER W. TITUS  
UNITED STATES DISTRICT JUDGE